



VACATION APPLICATION 2013

File #: _____

For Office Use Only:

Total Application Fee	_____	Project Cost:	_____
Less Pre-App Fee (Optional):	_____	Date Paid:	_____
Balance due:	_____	Date:	_____

APPLICANT INFORMATION:

APPLICANT: _____
ADDRESS: _____
EMAIL ADDRESS: _____
PHONE: _____ MOBILE: _____ FAX: _____
OWNER (if different from above): _____ PHONE: _____
ADDRESS: _____

GENERAL INFORMATION:

VACATION TYPE: _____ ALLEY: _____ EASEMENT: _____ STREET: _____
ALLEY/EASEMENT/RIGHT-OF-WAY/LOCATION: _____ ZONE: _____
IS THE PROPOSED VACATION SITE CURRENTLY IN USE? IF YES, INDICATE CURRENT USE: _____
SURROUNDING USES:
NORTH: _____ SOUTH: _____
EAST: _____ WEST: _____
STATE WHY THE VACATION SHOULD BE APPROVED: _____

IDENTIFY THE TAX LOT NUMBERS OF THOSE LOTS WHICH ABUT THE PROPOSED VACATION SITE:

Tax Lot Number	Tax Lot Number	Tax Lot Number
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED

General Checklist: ♦ Fees ♦ Current Title Report ♦ Vicinity Map ♦ Property Owner's Signature

The application must include a current title report for each parcel adjacent to the area proposed for vacation, and a vicinity map of the area. Property owners abutting the proposed vacation site must sign the CONSENT TO VACATE form, which is on the reverse side of this application. The above statements and information herein contained are in all respects true, complete, and correct to the best of my knowledge and belief. Tentative plans must substantially conform to all standards, regulations, and procedures officially adopted by the City of Newberg. All owners must sign the application or submit letters of consent. Incomplete or missing information may delay the approval process.

Applicant / Title Holder/ Contract Purchaser Signature

Date

Print Name

Attachments: Consent to Vacate Form, General Information, Criteria, Noticing Procedures, Fee Schedule, Checklist

CONSENT TO VACATE FORM

PRINTED OWNER NAME	OWNER SIGNATURE	ADDRESS	TAX LOT

GENERAL INFORMATION

Process for Right-of-Way Vacation

Overview: According to Oregon Revised Statutes, vacation of a public easement or right-of-way must be approved by the City Council. Application for vacation may be made to the City Council by a property owner or neighborhood group. Generally, a vacation can be processed within eight to twelve weeks.

Submit Application

- Pay fees
- Complete application form(s)
- Owners abutting the proposed vacation site must sign the application or submit letters of consent.
- Submit sample notice and other required information.

Processing

- Staff will perform a completeness check of the application and notify applicant of any information that is missing or incomplete. Processing time 0 to 30 days.
- Staff will route the application to all City departments and utility agencies for their review. **Processing time: 14 days**
- The City Council will set a hearing date for a future City Council Hearing on the matter. Once the hearing date is set, the City will advertise the public hearing date in the Newberg Graphic for two (2) weeks prior to the scheduled Council hearing on this matter. **Processing Time: 14 to 20 days**
- Applicant will mail an approved notice to property owner within 100 feet of the site, post the site in conspicuous places and return an affidavit verifying that notice was mailed and posted at least **14 to 20 days** prior to the scheduled public hearing.
- Staff will prepare a written report for review by the City Council. A copy will be available for review seven **(7) days prior to the hearing**. A copy will be mailed to the applicant seven (7) days prior to the hearing.
- A public hearing will be held by the City Council. At the hearing, the applicant and all interested parties are encouraged to testify. Testimony may be given orally or in writing. After public testimony, the City Council may approve, deny, table, or continue the item.
- If approved, the County Clerk's office will be notified of the Council action. Title to the vacated property will be divided among the abutting property owners.

Helpful Hints:

Questions? Information is free! Please do not hesitate to call the Planning Division at (503) 537-1240 prior to submitting the application.

Partial Applications: Please do not submit partial applications. If the application, title reports, plans and fees are not submitted together; processing will be delayed and the application may not be accepted for review. Please review the detailed checklist to ensure you have everything. The more work you can do before submittal, the faster the application can be processed.

Face-to-Face: It is best to submit an application in person. That way you can receive immediate feedback if there is missing information or suggestions for improvements.

NEWBERG PERMIT CENTER FEE SCHEDULE Effective Date: January 1, 2013

PRE-APPLICATION REVIEW	\$100
TYPE I (ADMINISTRATIVE REVIEW)	
ANY TYPE I ACTION NOT SPECIFICALLY LISTED IN THIS SECTION	\$145
CODE ADJUSTMENT	\$355
DESIGN REVIEW - TYPE I (DUPLEX OR COMMERCIAL/INDUSTRIAL MINOR ADDITION REVIEW)0.3% OF PROJECT VALUE, \$355 MINIMUM	
MINOR MODIFICATION OR EXTENSION OF TYPE I DECISION	\$145
MAJOR MODIFICATION OF TYPE I DECISION	50% OF ORIGINAL FEE
PARTITION FINAL PLAT	\$715 + \$70 PER PARCEL
PROPERTY LINE ADJUSTMENT	\$715
SIGN REVIEW.....	\$65 PLUS \$1.00 PER SQ. FT. OF SIGN FACE
SUBDIVISION, PUD, OR CONDOMINIUM FINAL PLAT	\$1430 + \$70 PER LOT OR UNIT
TYPE II (LAND USE DECISION)	
ANY TYPE II ACTION NOT SPECIFICALLY LISTED IN THIS SECTION	\$715
MINOR MODIFICATION OR EXTENSION OF TYPE II DECISION	\$145
MAJOR MODIFICATION OF TYPE II DECISION	50% OF ORIGINAL FEE
DESIGN REVIEW (INCLUDING MOBILE/MANUFACTURED HOME PARKS 0.6% OF TOTAL PROJECT COST, \$715 MINIMUM*	
PARTITION PRELIMINARY PLAT	\$715 PLUS \$70 PER PARCEL
SUBDIVISION PRELIMINARY PLAT	\$1430 PLUS \$70 PER LOT
VARIANCE	\$715
*FOR ANY DESIGN REVIEW FEE IN EXCESS OF \$10,000, 50% OF THE DESIGN REVIEW FEE IS DUE AT TIME OF APPLICATION AND 50% DUE AT TIME OF BUILDING OR SIMILAR PERMIT ISSUANCE.	
TYPE III (QUASI-JUDICIAL REVIEW)	
ANY TYPE III ACTION NOT SPECIFICALLY LISTED IN THIS SECTION.....	\$1510
ANNEXATION.....	\$1990 PLUS \$210 PER ACRE
COMPREHENSIVE PLAN AMENDMENT (SITE SPECIFIC).....	\$1865
CONDITIONAL USE PERMIT	\$1510
MINOR MODIFICATION OR EXTENSION OF TYPE III DECISION.....	\$145
MAJOR MODIFICATION OF TYPE III DECISION	50% OF ORIGINAL FEE
HISTORIC LANDMARK ESTABLISHMENT OR MODIFICATION	\$0
HISTORIC LANDMARK ELIMINATION	\$1865
PLANNED UNIT DEVELOPMENT	\$3020+\$70 PER LOT OR UNIT
ZONING AMENDMENT (SITE SPECIFIC)	\$1905
TYPE IV (LEGISLATIVE AMENDMENTS)	
COMPREHENSIVE PLAN TEXT AMENDMENT OR LARGE SCALE MAP REVISION.....	\$2145
DEVELOPMENT CODE TEXT AMENDMENT OR LARGE SCALE MAP REVISION.....	\$2145
APPEALS	
TYPE I OR II APPEAL TO PLANNING COMMISSION.....	\$440
TYPE I OR II APPEAL TO CITY COUNCIL.....	\$795
TYPE III APPEAL TO CITY COUNCIL.....	\$935
TYPE I ADJUSTMENTS OR TYPE II VARIANCES THAT ARE NOT DESIGNED TO REGULATE THE PHYSICAL CHARACTERISTICS OF A USE PERMITTED OUTRIGHT	\$250
OTHER FEES	
COMMUNITY DEVELOPMENT FEE	0.75% OF PROJECT COST
CITY HALL FEE.....	0.25% OF PROJECT COST
(THE ABOVE TWO CHARGES ADDED TO ANY BUILDING PERMIT APPLICATION)	
ENGINEERING REVIEW AND INSPECTION	5% OF PROJECT COST (2% DUE AT TIME OF SUBMITTAL)
EXPEDITED LAND DIVISION	\$5700 + \$70 PER LOT OR UNIT
URBAN GROWTH BOUNDARY AMENDMENT	\$3645
VACATION OF PUBLIC RIGHT-OF-WAY	\$1510
LICENSE FEES	
PEDDLER/SOLICITOR/STREET VENDOR	No fee (Business License fee only)
TEMPORARY MERCHANT	\$95/45 days or \$310/perpetual

ADOPTION AND REVISION HISTORY:

Adopted by: Resolution 98-2122, July5, 1998
Amended by: Resolution 99-2214, December 8, 1999
Resolution 2000-2265, October 2, 2000
Resolution 2001-2318, November 19, 2001
Executive Order January 2, 2007 (Reso. 99-2210)
Executive Order October 24, 2008

Executive Order, December 16, 2002 pursuant to Resolution 99-2210
Executive Order, January 22, 2002 pursuant to Resolution 99-2210
Resolution 2004-2466, November 3, 2003
Resolution 2007-2732, December 3, 2007
Executive Order November 29, 2011 (2011-32)
Executive Order October 24, 2012 (2012-34)

CITY OF NEWBERG

REQUIREMENTS FOR POSTED NOTICES

For all vacation applications, mailed notice must be sent to all property owners within one hundred (100) feet of the site. Newberg Development Code §15.100.210 sets forth the requirements for mailed notices. The applicant is responsible for preparing and mailing the notices, for paying the postage, and for submitting an affidavit of mailing within two days of mailing the notices.

Mailing List:

- The applicant must create a mailing list including the tax lot numbers and addresses of property owners within one hundred (100) feet of the outer boundaries of the tax lot or tax lots adjacent to the area proposed to be vacated. This information can be obtained at a local title company.
- The Planning & Building Department may request that notice be provided to people other than those who own property within one hundred (100) feet of the site, if the Department believes that they are affected or otherwise represent an interest that may be affected by the proposed development.
- The mailing list and a copy of the mailed notice should be submitted with the affidavit of mailing.
- Envelopes returned to the post office should go to the Planning & Building Office so that they can be kept with the application file. The return address on the notices should read:

City of Newberg
Planning & Building Department
P.O. Box 970
Newberg, OR 97132

A return address stamp is available at the Planning & Building Office for your convenience.

Mailed Notice Deadlines:

- Before mailing the notice, the applicant must submit a copy for approval to the City of Newberg Planning & Building Department at 414 E. First Street, Newberg, OR 97132.
- The notice must be mailed at least twenty (20) days before a decision is rendered.
- The affidavit of mailing must be submitted to the Planning & Building Office within two (2) days of mailing the notice.

Sample Notices:

A sample notice is included on the following page. Information to be filled in by the applicant is indicated by italicized text.

CITY OF NEWBERG

REQUIREMENTS FOR POSTED NOTICES

For all Type II and Type III land use applications, the site must be posted with an approved notice. Newberg Development Code §15.100.260 establishes the standards for posted notices. Before notice is posted on the site, a copy of the notice must be submitted to the Planning & Building Office for review. Within two (2) days of posting the site, an affidavit of posting must be submitted to the Planning & Building Office.

Posted notices must contain the following information:

- Planning Division file number
- A brief description of the proposal
- Phone number and address for the City of Newberg Planning & Building Department, 414 E. First Street, Newberg, OR 97132, phone 503-537-1240

Guidelines for Posting Notice:

- The posted notice must be waterproof and a minimum of two (2) feet by three (3) feet in size.
- Each frontage of the site must be posted. If a frontage is more than six hundred (600) feet in length, additional notices are required for each six hundred (600) feet or fraction thereof. For example, a lot with a 1400' frontage on Wynooski Street must be posted with three notices along that frontage.
- The notices must not be posted within the public right-of-way, though they must be within ten (10) feet of it.
- The notices must be clearly visible to pedestrians and motorists in the public right-of-way, and must not be posted on trees.
- For Type II applications, the site must be posted at least fourteen (14) days before a decision is rendered.
- For Type III applications, the site must be posted at least ten days (10) before the first scheduled hearing.

Signs for posted notices:

The posted notices must be able to withstand adverse weather. All posted notice signs must conform to the attached example. Signs must be landscape orientation and white with black lettering ("sans-serif" font i.e. Arial or block printing).

Signs may be ordered custom-made from sign companies or applicants may construct their own signs.

Acceptable materials for notice signs: (dimensions: minimum 2' x 3')

- Plywood (but sign face must be white)
- Plastic or corrugated plastic
- Foam core board (available at many art and hobby supply shops)
- Water resistant poster board
- Other weatherproof materials

Posted notice signs may not be attached to trees, and must be located outside the public right-of-way but within ten (10) feet of it. Therefore, the signs should have legs or stakes or otherwise be freestanding.

Removal of Posted Notice:

The notice must remain posted until a final decision is made. Within ten (10) days of the final decision, the notice(s) must be removed from the site by the applicant.

**CITY OF NEWBERG
SAMPLE POSTED NOTICE**

The diagram shows a rectangular sign with a black border. Inside the sign, the text is centered and reads: **Land Use Notice**, followed by **FILE #** (insert the file number assigned to you at the time of application), **PROPOSAL:** (insert general description of project), and **FOR FURTHER INFORMATION, CONTACT:** followed by the City of Newberg Planning & Building Department address and phone number. To the right of the sign is a vertical double-headed arrow labeled **2'**. Below the sign is a horizontal double-headed arrow labeled **3'**.

Land Use Notice

FILE # (insert the file number assigned to you at the time of application)

PROPOSAL: (insert general description of project)

FOR FURTHER INFORMATION, CONTACT:
City of Newberg
Planning & Building Department
414 E First Street, Newberg, OR 97132
Phone: 503-537-1240

2'

3'

Notice must be white with black letters, and must be landscape orientation, as shown above.
The notice must be lettered using block printing or a "sans-serif" font, such as Arial.

CITY OF NEWBERG

AFFIDAVIT OF NOTICING REQUIREMENTS

The affidavit on the following page must be submitted to the Planning & Building Department **within two (2) days of mailing notice** and **within two (2) days of posting notice**. The consequences of failure to mail and post notice, and to submit the affidavits within the two (2) day deadline are described in Newberg Development Code §15.100.210(J) and §15.100.260(I).

§15.100.210(J) - Failure to Mail the Notice:

Failure to mail the notice and affirm that the mailing was completed in conformance with the code shall result in:

- (1) Postponement of a decision until the mailing requirements have been met; or
- (2) Postponement of the hearing to the next regularly scheduled meeting or to such other meeting as may be available for the hearing; or
- (3) The entire process being invalidated; or
- (4) Denial of the application.

§15.100.260(I) - Failure to Post the Notice:

The failure of the posted notice to remain on the property shall not invalidate the proceedings. Failure by the applicant to post a notice and affirm that the posting was completed in conformance with the code shall result in:

- (1) Postponement of a decision until the mailing requirements have been met; or
- (2) Postponement of the hearing to the next regularly scheduled meeting or to such other meeting as may be available for the hearing; or
- (3) The entire process being invalidated; or
- (4) Denial of the application.

PLANNING DIVISION FILE #: _____

**CITY OF NEWBERG
AFFIDAVIT OF NOTICING**

REFERENCE ATTACHED LIST(S)/NOTICE(S)

I, _____, do hereby certify that the attached Notice of Land Use Action was:

- a) mailed to the following list of property owners, by United States mail, postage prepaid
on _____; and
(date)
- b) posted on the site according to standards established in Newberg Development Code §15.100.260
on _____.
(date)

Signature

Date

Printed Name

RIGHT-OF-WAY VACATION APPLICATION CRITERIA ORS 271.130

1. Notice shall be given as provided by ORS 271.110. Notice will be published in the Newberg Graphic for two consecutive weeks prior to City Council hearing on this matter.
2. Obtain consent from the owners of all abutting property and at least 2/3 majority consent of owners in the affected area (See Page 11 for a definition of "owners in the affected area").
3. Where owner consent has not been provided, the vacation will not significantly affect the value of the abutting properties, unless the City provides for paying damages.
4. Two or more streets, alleys, avenues and boulevards, or parts thereof, may be joined in one proceeding, provided they intersect or are adjacent and parallel to each other.

If you are requesting vacation of a public right-of-way, please provide a written response to each of the criteria listed above. Approval cannot be granted unless the above criteria have been satisfied. The burden of proof, or demonstration of compliance with the criteria, is the responsibility of the applicant and not the City. The following questions and comments are intended to assist you in responding to the criteria.

1. What is the proposed use for the site?
2. Identify the specific public need to vacate this right-of-way.
3. What impacts will this street vacation have upon public services such as police and fire protection, sewer, water, electrical utilities and access thereto?
4. Identify specific impacts this vacation will have on abutting property owners.

Right-of-way Vacation Consent Requirements

400 Feet

200 Feet

200 Feet

400 Feet

0 150 300 Feet

scale

Legend

- Abutting Properties (100% Consent Required)
- Affected Properties (2/3rds Consent Required)



Planning and Building Department

P.O. Box 970 ▪ 414 E First Street ▪ Newberg, Oregon 97132

503-537-1240. Fax 503-537-1272 www.newbergoregon.gov

WE WANT YOUR COMMENTS ON A PROPOSED STREET OR ALLEY CLOSURE IN YOUR NEIGHBORHOOD

A property owner in your neighborhood submitted an application to the City of Newberg to (*describe what your application is for*). The Newberg Planning Commission will hold a public hearing on (*date of hearing*) at 7 p.m. at the Newberg Public Safety Building, 401 E Third Street, Newberg, OR, to evaluate the proposal. You are invited to take part in the City's review of this project by sending in your written comments or by testifying before the Planning Commission. For more details about giving comments, please see the back of this sheet.

The application would (*briefly describe what the project is or what it will do. Describe the proposed use of the site and any proposed construction*).

APPLICANT:

Applicant's name

TELEPHONE:

Applicant's phone number

PROPERTY OWNER:

Property owner name

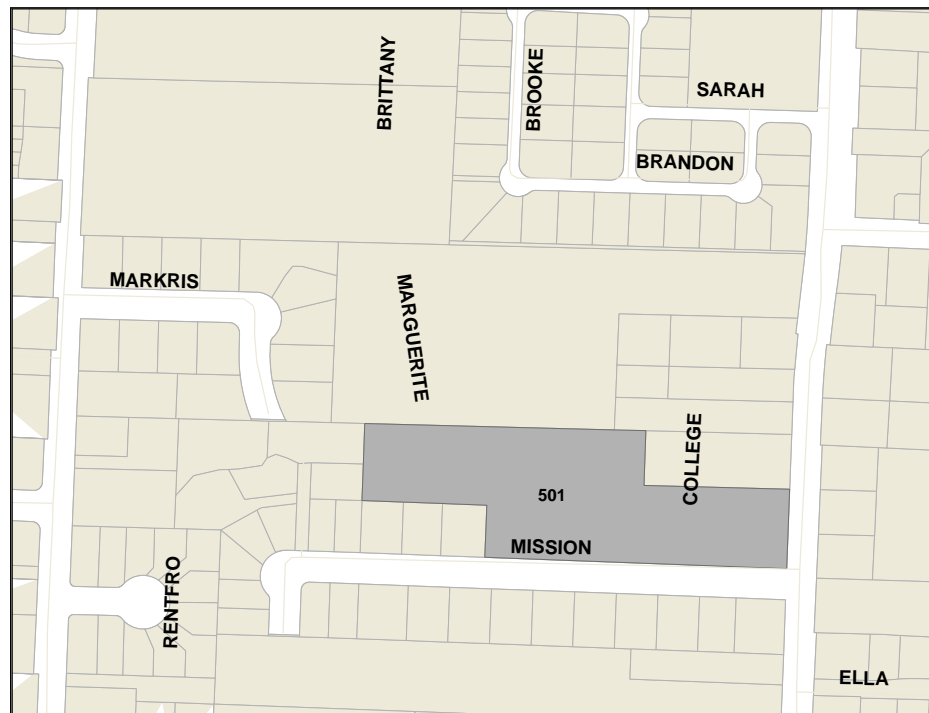
LOCATION:

Project Address

TAX LOT NUMBER:

Yamhill County Tax Map and Lot Number (i.e. 3219AB-1400)

Insert site map with
project location
highlighted as
shown on the
adjacent sample map.



We are mailing you information about this project because you own land within 500 feet of the proposed new ***(describe project)***. We invite you to participate in the land use hearing scheduled before the Planning Commission. If you wish to participate in the hearing, you may do so in person or be represented by someone else.

If you mail your comments to the City, please put the following information on the outside of the envelope:

Written Comments: File No. ***(City staff will supply this number to you when you submit an application.)***
City of Newberg
Planning & Building Department
PO Box 970
Newberg, OR 97132

You can look over all the information about this project or drop comments off at Newberg City Hall, 414 E. First Street. You can also buy copies of the information for a cost of 25 cents a page. A staff report relating to the proposal will be available for inspection at City Hall and on the city website (www.newbergoregon.gov) at no cost seven days prior to the public hearing. If you have any questions about the project, you can call the Newberg Planning Division at 503-537-1240.

All written comments must be turned in by 4:30 p.m. on **enter date two weeks before hearing**. Written testimony received after this date or at the hearing will be considered late, and will be accepted only by motion of the Planning Commission.

Any issue that might be raised in an appeal of this case to the Land Use Board of Appeals (LUBA) must be raised during the public hearing process. You must include enough detail to enable the decision maker an opportunity to respond. The applicable criteria used to make a decision on this application to vacate a public right-of-way are found in ORS NO. 271.130.

Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application through a continuance or extension of the record. Failure of an issue to be raised in the hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals based on that issue.

The proposed vacation was initiated by the Newberg City Council on (Date of initiation Hearing) as outlined in Oregon Revised Statutes 271.130. If you participate in the public hearing process, either by testifying at the public hearing, or by sending in written comments, you will be sent information about any decision made by the City relating to this project.

Date Mailed: ***Date notice is mailed***